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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

14 3taps, Inc.,

15 Plaintiff,

16 vs.

17 LinkedIn Corporation,

18 Defendant.

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
ORDER STAYING FURTHER
PROCEEDINGS AND DEADLINES**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018
Trial Date: None Set

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the above-captioned action (the “3taps Action”) against Defendant LinkedIn Corporation (“LinkedIn”) on February 8, 2018 (“Complaint,” ECF No. 1);

WHEREAS, on February 14, 2018, 3taps moved to relate the 3taps Action to *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in No. 17-cv-03301-EMC);

WHEREAS, on February 23, 2018, the 3taps Action was reassigned to this Court as related to the hiQ Action;

WHEREAS, an appeal in the hiQ Action is currently pending in the Court of Appeals for the Ninth Circuit, and the hiQ action is currently stayed pending that appeal (No. 17-16783, the “hiQ Appeal”);

WHEREAS, the parties agree that a stay is in the interests of judicial efficiency and conserving the resources of this Court and the parties;

NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND AGREED:

1. All proceedings, all discovery, and all deadlines in the above-captioned case, including but not limited to LinkedIn’s deadline to answer or otherwise respond to the Complaint, are hereby stayed pending the resolution of the hiQ Appeal (the “Stay”);

2. The Stay is effective immediately and shall expire upon the Expiration Date, which is defined as either (a) the day after the Court of Appeals for the Ninth Circuit issues an opinion on the merits in the hiQ Appeal, or (b) if the hiQ Appeal is resolved in any way other than a way that results in the issuance of a mandate—such as settlement, withdrawal or dismissal—the day after the hiQ Appeal is dismissed from the Ninth Circuit’s docket;

3. LinkedIn shall have 45 days from the Expiration Date to answer or otherwise respond to the Complaint;

1 4. If LinkedIn's first response to the Complaint is a motion to dismiss, 3taps
2 shall have 30 days from the date that LinkedIn files such motion to file a brief in opposition to
3 LinkedIn's motion, and LinkedIn shall have 14 days thereafter to file a brief in reply;

4 5. Within 10 days of the Expiration Date, the parties shall inform the Court
5 that the Ninth Circuit has issued an opinion regarding the hiQ Appeal and shall jointly request a
6 case management conference;

7 6. The case management conference set for March 29, 2018 is hereby vacated
8 pending resolution of the hiQ Appeal;

9 7. All parties reserve all rights and arguments, including the right to apply to
10 the Court to extend any deadline recited herein.

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12 DATED: March 6, 2018

THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

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15 By: /s/ Thomas V. Christopher
16 THOMAS V. CHRISTOPHER

17 *Attorneys for Plaintiff 3taps, Inc.*

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19 DATED: March 6, 2018

MUNGER, TOLLES & OLSON LLP

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22 By: /s/ Jonathan H. Blavin
JONATHAN H. BLAVIN

23 *Attorneys for Defendant LinkedIn Corporation*
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2 **N.D. Cal. Civil Local Rule 5-1 Attestation**

3 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
4 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
5 Thomas V. Christopher concurred in the filing of this document.

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7 /s/ Jonathan H. Blavin
Jonathan H. Blavin
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1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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3 DATED: March ____, 2018

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6 The Honorable Edward M. Chen